1942

K

**File No.** Weights and Measures II/42.

Legal **DEPARTMENT**

B **BRANCH**

P 4(E) 1942

**Subject:—**

Rules and Notifications under the Bombay Weights and Measures Act, 1932.

**File No.** Weights and Measures II/42

Std. Sectt. Slip 24 B e.

190-B.

## CONTENTS

Legal Department File No. Weights & Measures II/42


| Sr. No. | Compilation No. | Subject | Pages |
|---|---|---|---|
| | | **Bom. Weights & Measures Act, 1932** | |
| 1. | U.R. to G.D.No.1000 dt. 3.2.42 | S. 41 Notfn. under amending B.Wts. & Measures Rules, 1934. | 1-4 |


215

Office of the R.L.A.

A revised draft notification is sent herewith.

2. As regards the amendment of rule 113, it appears from para.4 of the letter from the Director of Industries (page 2 ante) that the intention is to make the rule applicable both to the platform machines and the weighbridges. To make this intention clear it is provided in the revised draft notification that the words "or the weighbridge" should be inserted after the words "the platform machine" in the rule.

3. As regards the amendment of rule 135, it is proposed to provide that the Court may at the conclusion of the trial hand over the seized article to the Inspector for disposal. The proposed provision is of doubtful validity as it confers a power on the Courts to dispose of in a particular manner property in respect of which an offence has been committed. There is no provision in the Bombay Weights and Measures Act, 1932, under which a rule to this effect can be made. It is true that clause (r) of sub-section (2) of section 41 of the Weights and Measures Act, 1932, is widely worded, but it cannot be resorted to for framing such a rule. (Cf. R.L.A's opinion No. 7838 dated 3rd September 1940 and No. 1196 dated 21st December 1940). The proposed rule being ultra vires of the Act has been omitted from the revised draft notification.

Id/- P.N.M
2/2/
Remembrancer of Legal Affairs.

U.R. to G.D., No. 1000, dated 3-2-1942.

NOTIFICATION.

General Department.

Bombay Castle, 9 1942.

The Bombay Weights and Measures Act, 1932.

No. 190/33.- The following draft of a notification which the Government of Bombay proposes to issue, in exercise of the powers conferred by section 41 of the Bombay Weights and Measures Act, 1932 (Bom.XV of 1932), is published as required by sub-section (3) of the said section 41, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after the 194

To be inserted by G.D.

2. Any objection or suggestion which may be received by the Secretary to the Government of Bombay, General Department, from any person with respect to the said draft, before the date aforesaid will be considered by the Government of Bombay.

Draft Notification.

In exercise of the powers conferred by section 41 of the Bombay Weights and Measures Act, 1932 (Bom.XV of 1932), the Government of Bombay is pleased to amend the Bombay Weights and Measures Rules, 1934, published in Government Notification in the General Department, No.9892, dated the 5th June 1934, as follows namely :-

In the said rules -

(1) In rule 113, after the word "machine" the words "or the weighbridge" shall be inserted;

(2) For sub-rule (3) of rule 134, the following sub-rule shall be substituted, namely :-

"(3) (a). The following weighing instruments, namely, beam scales, spring balances, counter machines and steel yards shall be liable to seizure and detention in cases (a), (b), (c), (d) and (e) specified in sub-rule (2); and

(b) Weighing instruments other than those specified in clause (a) shall be liable to seizure and detention in cases (b), (c) and (e) but not in cases (a) and (d) specified in sub-rule (2)".

By order of the Governor of
Bombay,

Secretary to Government.